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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

RAFAEL ESPINOZA, } Case No. 1:23-cv-01499-BAM  
Plaintiff, }  
vs. } STIPULATION AND ~~PROPOSED~~  
MARTIN O'MALLEY, Commissioner } ORDER FOR EXTENSION OF  
of Social Security<sup>1</sup>, } TIME  
Defendant. }

Pending the Court's approval, IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from January 22, 2024 to March 22, 2024, for Plaintiff to serve on defendant with PLAINTIFF'S

<sup>1</sup> Martin O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 MOTION SUMMARY JUDGMENT. All other dates in the Court's Scheduling  
2 Order shall be extended accordingly.

This is Plaintiff's first request for an extension of time. Plaintiff respectfully states that the requested extension is necessary due several merit briefs being due on the same week. . For the weeks of January 22, 2024 and January 29, 2024, Counsel has eleven merit briefs due. Counsel requires additional time to brief the issues thoroughly for the Court's consideration. Defendant does not oppose the requested extension. Counsel apologizes to the Defendant and Court for any inconvenience this may cause.

Respectfully submitted,

Dated: January 17, 2024 PENA & BROMBERG, ATTORNEYS AT LAW

By: /s/ Jonathan Omar Pena  
JONATHAN OMAR PENA  
Attorneys for Plaintiff

Dated: January 17, 2024

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Office of Program Litigation  
Social Security Administration

By: *\*s/ Michael Marriott*  
Michael Marriott  
Special Assistant United States Attorney  
Attorneys for Defendant  
(\*As authorized by email on January 17, 2024)

1  
2                   **ORDER**  
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4 Pursuant to stipulation, and cause appearing, Plaintiff's request for an  
5 extension of time to March 22, 2024, to file a Motion for Summary Judgment is  
6 GRANTED. All other deadlines in the Court's Scheduling Order are extended  
7 accordingly. The parties are advised that further extensions of time will not be  
8 granted absent a demonstrated showing of good cause.  
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10 IT IS SO ORDERED.  
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12                   Dated: January 18, 2024  
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15                   */s/ Barbara A. McAuliffe*  
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17                   UNITED STATES MAGISTRATE JUDGE  
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